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**SUBSTITUTE HOUSE BILL 1938**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Pearson, Sump, Doumit, Jackley, Pennington, Mulliken, Boldt, Schoesler and Buck)

Read first time 02/26/2001. Referred to Committee on .

1 AN ACT Relating to sabotage resulting in damage to land,  
2 facilities, and property; amending RCW 4.24.630 and 9.05.060;  
3 reenacting and amending RCW 9.94A.320; creating a new section; and  
4 prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that state, federal,  
7 and private facilities increasingly are becoming the target of  
8 terrorist activities. Timber and mining companies, fur farms,  
9 recreational, residential, commercial, and industrial development,  
10 university research facilities, animal and biotechnology research  
11 laboratories, and commercial and private animal production facilities  
12 have become targets in a campaign of intimidation, obstruction, and  
13 terrorism aimed at the closing of these facilities or industries.  
14 These actions are not only illegal but impose extreme suffering and  
15 loss on individuals, families, businesses, and communities and pose a  
16 serious threat to human life.

17 **Sec. 2.** RCW 4.24.630 and 1999 c 248 s 2 are each amended to read  
18 as follows:

1 (1) Every person who goes onto the land of another and who removes,  
2 damages, or destroys livestock, timber, crops, minerals, or other  
3 similar valuable property from the land, or wrongfully causes waste or  
4 injury to the land or to commercial and private animal production  
5 facilities, or wrongfully injures personal property or improvements to  
6 real estate on the land, is liable to the injured party for treble the  
7 amount of the damages caused by the removal, waste, or injury.

8 (2) Every person who injures, interferes with, interrupts,  
9 intimidates, obstructs, or threatens to injure, interfere with,  
10 interrupt, intimidate, or obstruct employees or other authorized  
11 persons associated with any research or scientific investigation  
12 conducted by a university, private research facility, or a  
13 biotechnology laboratory is liable to the injured party for treble the  
14 amount of the damages caused by the injury, interference, interruption,  
15 intimidation, obstruction, or threat.

16 (3) For purposes of this section, a person acts "wrongfully" if the  
17 person intentionally and unreasonably commits the act or acts while  
18 knowing, or having reason to know, that he or she lacks authorization  
19 to so act. Damages recoverable under this section include, but are not  
20 limited to, damages for personal injury, damages for the market value  
21 of the property removed or injured, and for injury to the land,  
22 including the costs of restoration. In addition, the person is liable  
23 for reimbursing the injured party for the party's reasonable costs,  
24 including but not limited to investigative costs and reasonable  
25 attorneys' fees and other litigation-related costs.

26 ((+2)) (4) This section does not apply in any case where liability  
27 for damages is provided under RCW 64.12.030, 79.01.756, 79.01.760,  
28 79.40.070, or where there is immunity from liability under RCW  
29 64.12.035.

30 **Sec. 3.** RCW 9.05.060 and 1999 c 191 s 2 are each amended to read  
31 as follows:

32 (1) Whoever, with intent that his or her act shall, or with reason  
33 to believe that it may, injure, interfere with, interrupt, supplant,  
34 nullify, impair, or obstruct the owner's or operator's management,  
35 operation, or control of any agricultural, stockraising, lumbering,  
36 mining, quarrying, fishing, manufacturing, transportation, mercantile,  
37 or building enterprise, fur farm, university or private research  
38 facility, biotechnology laboratory, commercial and private animal

1 production facilities, or any other public or private business or  
2 commercial enterprise, wherein any person is employed for wage, shall  
3 willfully damage or destroy, or attempt or threaten to damage or  
4 destroy, any property whatsoever, or shall unlawfully take or retain,  
5 or attempt or threaten unlawfully to take or retain, possession or  
6 control of any property, instrumentality, machine, mechanism, or  
7 appliance used in such business or enterprise, shall be guilty of  
8 criminal sabotage.

9 (2) Whoever, with intent that his or her act shall, or with reason  
10 to believe that it may, injure, interfere with, interrupt, supplant,  
11 nullify, impair, intimidate, or obstruct employees or other authorized  
12 persons associated with any research or scientific investigation  
13 conducted by a university or private research facility or biotechnology  
14 laboratory, shall willfully injure or intimidate, or threaten to injure  
15 or intimidate, employees or other authorized persons associated with  
16 any research or scientific investigation conducted by a university or  
17 private research facility or biotechnology laboratory, shall be guilty  
18 of criminal sabotage.

19 (3) Criminal sabotage is a felony.

20 **Sec. 4.** RCW 9.94A.320 and 2000 c 225 s 5, 2000 c 119 s 17, and  
21 2000 c 66 s 2 are each reenacted and amended to read as follows:

22 TABLE 2

23 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

24 XVI	Aggravated Murder 1 (RCW 10.95.020)
25 XV	Homicide by abuse (RCW 9A.32.055)
26	Malicious explosion 1 (RCW 70.74.280(1))
27	Murder 1 (RCW 9A.32.030)
28 XIV	Murder 2 (RCW 9A.32.050)
29 XIII	Malicious explosion 2 (RCW 70.74.280(2))
30	Malicious placement of an explosive 1 (RCW
31	70.74.270(1))
32 XII	Assault 1 (RCW 9A.36.011)
33	Assault of a Child 1 (RCW 9A.36.120)
34	Malicious placement of an imitation device
35	1 (RCW 70.74.272(1)(a))

1 Rape 1 (RCW 9A.44.040)  
2 Rape of a Child 1 (RCW 9A.44.073)  
3 XI Manslaughter 1 (RCW 9A.32.060)  
4 Rape 2 (RCW 9A.44.050)  
5 Rape of a Child 2 (RCW 9A.44.076)  
6 X Child Molestation 1 (RCW 9A.44.083)  
7 Criminal Sabotage (RCW 9.05.060)  
8 Indecent Liberties (with forcible  
9 compulsion) (RCW 9A.44.100(1)(a))  
10 Kidnapping 1 (RCW 9A.40.020)  
11 Leading Organized Crime (RCW  
12 9A.82.060(1)(a))  
13 Malicious explosion 3 (RCW 70.74.280(3))  
14 Manufacture of methamphetamine (RCW  
15 69.50.401(a)(1)(ii))  
16 Over 18 and deliver heroin,  
17 methamphetamine, a narcotic from  
18 Schedule I or II, or flunitrazepam  
19 from Schedule IV to someone under 18  
20 (RCW 69.50.406)  
21 IX Assault of a Child 2 (RCW 9A.36.130)  
22 Controlled Substance Homicide (RCW  
23 69.50.415)  
24 Explosive devices prohibited (RCW  
25 70.74.180)  
26 Homicide by Watercraft, by being under the  
27 influence of intoxicating liquor or  
28 any drug (RCW 79A.60.050)  
29 Inciting Criminal Profiteering (RCW  
30 9A.82.060(1)(b))  
31 Malicious placement of an explosive 2 (RCW  
32 70.74.270(2))  
33 Over 18 and deliver narcotic from Schedule  
34 III, IV, or V or a nonnarcotic, except  
35 flunitrazepam or methamphetamine, from  
36 Schedule I-V to someone under 18 and 3  
37 years junior (RCW 69.50.406)  
38 Robbery 1 (RCW 9A.56.200)

1 Sexual Exploitation (RCW 9.68A.040)  
2 Vehicular Homicide, by being under the  
3 influence of intoxicating liquor or  
4 any drug (RCW 46.61.520)

5 VIII Arson 1 (RCW 9A.48.020)  
6 Deliver or possess with intent to deliver  
7 methamphetamine (RCW  
8 69.50.401(a)(1)(ii))  
9 Hit and Run--Death (RCW 46.52.020(4)(a))  
10 Homicide by Watercraft, by the operation of  
11 any vessel in a reckless manner (RCW  
12 79A.60.050)  
13 Manslaughter 2 (RCW 9A.32.070)  
14 Manufacture, deliver, or possess with  
15 intent to deliver amphetamine (RCW  
16 69.50.401(a)(1)(ii))  
17 Manufacture, deliver, or possess with  
18 intent to deliver heroin or cocaine  
19 (RCW 69.50.401(a)(1)(i))  
20 Possession of Ephedrine, Pseudoephedrine,  
21 or Anhydrous Ammonia with intent to  
22 manufacture methamphetamine (RCW  
23 69.50.440)  
24 Promoting Prostitution 1 (RCW 9A.88.070)  
25 Selling for profit (controlled or  
26 counterfeit) any controlled substance  
27 (RCW 69.50.410)  
28 Theft of Anhydrous Ammonia (RCW 69.55.010)  
29 Vehicular Homicide, by the operation of any  
30 vehicle in a reckless manner (RCW  
31 46.61.520)

32 VII Burglary 1 (RCW 9A.52.020)  
33 Child Molestation 2 (RCW 9A.44.086)  
34 Dealing in depictions of minor engaged in  
35 sexually explicit conduct (RCW  
36 9.68A.050)  
37 Drive-by Shooting (RCW 9A.36.045)

1 Homicide by Watercraft, by disregard for  
2 the safety of others (RCW 79A.60.050)  
3 Indecent Liberties (without forcible  
4 compulsion) (RCW 9A.44.100(1) (b) and  
5 (c))  
6 Introducing Contraband 1 (RCW 9A.76.140)  
7 Involving a minor in drug dealing (RCW  
8 69.50.401(f))  
9 Malicious placement of an explosive 3 (RCW  
10 70.74.270(3))  
11 Sending, bringing into state depictions of  
12 minor engaged in sexually explicit  
13 conduct (RCW 9.68A.060)  
14 Unlawful Possession of a Firearm in the  
15 first degree (RCW 9.41.040(1)(a))  
16 Use of a Machine Gun in Commission of a  
17 Felony (RCW 9.41.225)  
18 Vehicular Homicide, by disregard for the  
19 safety of others (RCW 46.61.520)

20 VI Bail Jumping with Murder 1 (RCW  
21 9A.76.170(2)(a))  
22 Bribery (RCW 9A.68.010)  
23 Incest 1 (RCW 9A.64.020(1))  
24 Intimidating a Judge (RCW 9A.72.160)  
25 Intimidating a Juror/Witness (RCW  
26 9A.72.110, 9A.72.130)  
27 Malicious placement of an imitation device  
28 2 (RCW 70.74.272(1)(b))  
29 Manufacture, deliver, or possess with  
30 intent to deliver narcotics from  
31 Schedule I or II (except heroin or  
32 cocaine) or flunitrazepam from  
33 Schedule IV (RCW 69.50.401(a)(1)(i))  
34 Rape of a Child 3 (RCW 9A.44.079)  
35 Theft of a Firearm (RCW 9A.56.300)  
36 Unlawful Storage of Anhydrous Ammonia (RCW  
37 69.55.020)

1 V Abandonment of dependent person 1 (RCW  
2 9A.42.060)  
3 Advancing money or property for  
4 extortionate extension of credit (RCW  
5 9A.82.030)  
6 Bail Jumping with class A Felony (RCW  
7 9A.76.170(2)(b))  
8 Child Molestation 3 (RCW 9A.44.089)  
9 Criminal Mistreatment 1 (RCW 9A.42.020)  
10 Custodial Sexual Misconduct 1 (RCW  
11 9A.44.160)  
12 Delivery of imitation controlled substance  
13 by person eighteen or over to person  
14 under eighteen (RCW 69.52.030(2))  
15 Domestic Violence Court Order Violation  
16 (RCW 10.99.040, 10.99.050, 26.09.300,  
17 26.10.220, 26.26.138, 26.50.110,  
18 26.52.070, or 74.34.145)  
19 Extortion 1 (RCW 9A.56.120)  
20 Extortionate Extension of Credit (RCW  
21 9A.82.020)  
22 Extortionate Means to Collect Extensions of  
23 Credit (RCW 9A.82.040)  
24 Incest 2 (RCW 9A.64.020(2))  
25 Kidnapping 2 (RCW 9A.40.030)  
26 Perjury 1 (RCW 9A.72.020)  
27 Persistent prison misbehavior (RCW  
28 9.94.070)  
29 Possession of a Stolen Firearm (RCW  
30 9A.56.310)  
31 Rape 3 (RCW 9A.44.060)  
32 Rendering Criminal Assistance 1 (RCW  
33 9A.76.070)  
34 Sexual Misconduct with a Minor 1 (RCW  
35 9A.44.093)  
36 Sexually Violating Human Remains (RCW  
37 9A.44.105)  
38 Stalking (RCW 9A.46.110)  
39 IV Arson 2 (RCW 9A.48.030)

1 Assault 2 (RCW 9A.36.021)  
2 Assault by Watercraft (RCW 79A.60.060)  
3 Bribing a Witness/Bribe Received by Witness  
4 (RCW 9A.72.090, 9A.72.100)  
5 Commercial Bribery (RCW 9A.68.060)  
6 Counterfeiting (RCW 9.16.035(4))  
7 Escape 1 (RCW 9A.76.110)  
8 Hit and Run--Injury (RCW 46.52.020(4)(b))  
9 Hit and Run with Vessel--Injury Accident  
10 (RCW 79A.60.200(3))  
11 Indecent Exposure to Person Under Age  
12 Fourteen (subsequent sex offense) (RCW  
13 9A.88.010)  
14 Influencing Outcome of Sporting Event (RCW  
15 9A.82.070)  
16 Knowingly Trafficking in Stolen Property  
17 (RCW 9A.82.050(2))  
18 Malicious Harassment (RCW 9A.36.080)  
19 Manufacture, deliver, or possess with  
20 intent to deliver narcotics from  
21 Schedule III, IV, or V or nonnarcotics  
22 from Schedule I-V (except marijuana,  
23 amphetamine, methamphetamines, or  
24 flunitrazepam) (RCW 69.50.401(a)(1)  
25 (iii) through (v))  
26 Residential Burglary (RCW 9A.52.025)  
27 Robbery 2 (RCW 9A.56.210)  
28 Theft of Livestock 1 (RCW 9A.56.080)  
29 Threats to Bomb (RCW 9.61.160)  
30 Use of Proceeds of Criminal Profiteering  
31 (RCW 9A.82.080 (1) and (2))  
32 Vehicular Assault (RCW 46.61.522)  
33 Willful Failure to Return from Furlough  
34 (RCW 72.66.060)  
35 III Abandonment of dependent person 2 (RCW  
36 9A.42.070)  
37 Assault 3 (RCW 9A.36.031)  
38 Assault of a Child 3 (RCW 9A.36.140)

1 Bail Jumping with class B or C Felony (RCW  
2 9A.76.170(2)(c))  
3 Burglary 2 (RCW 9A.52.030)  
4 Communication with a Minor for Immoral  
5 Purposes (RCW 9.68A.090)  
6 Criminal Gang Intimidation (RCW 9A.46.120)  
7 Criminal Mistreatment 2 (RCW 9A.42.030)  
8 Custodial Assault (RCW 9A.36.100)  
9 Delivery of a material in lieu of a  
10 controlled substance (RCW  
11 69.50.401(c))  
12 Escape 2 (RCW 9A.76.120)  
13 Extortion 2 (RCW 9A.56.130)  
14 Harassment (RCW 9A.46.020)  
15 Intimidating a Public Servant (RCW  
16 9A.76.180)  
17 Introducing Contraband 2 (RCW 9A.76.150)  
18 Maintaining a Dwelling or Place for  
19 Controlled Substances (RCW  
20 69.50.402(a)(6))  
21 Malicious Injury to Railroad Property (RCW  
22 81.60.070)  
23 Manufacture, deliver, or possess with  
24 intent to deliver marijuana (RCW  
25 69.50.401(a)(1)(iii))  
26 Manufacture, distribute, or possess with  
27 intent to distribute an imitation  
28 controlled substance (RCW  
29 69.52.030(1))  
30 Patronizing a Juvenile Prostitute (RCW  
31 9.68A.100)  
32 Perjury 2 (RCW 9A.72.030)  
33 Possession of Incendiary Device (RCW  
34 9.40.120)  
35 Possession of Machine Gun or Short-Barreled  
36 Shotgun or Rifle (RCW 9.41.190)  
37 Promoting Prostitution 2 (RCW 9A.88.080)  
38 Recklessly Trafficking in Stolen Property  
39 (RCW 9A.82.050(1))

1 Securities Act violation (RCW 21.20.400)  
2 Tampering with a Witness (RCW 9A.72.120)  
3 Telephone Harassment (subsequent conviction  
4 or threat of death) (RCW 9.61.230)  
5 Theft of Livestock 2 (RCW 9A.56.080)  
6 Unlawful Imprisonment (RCW 9A.40.040)  
7 Unlawful possession of firearm in the  
8 second degree (RCW 9.41.040(1)(b))  
9 Unlawful Use of Building for Drug Purposes  
10 (RCW 69.53.010)  
11 Willful Failure to Return from Work Release  
12 (RCW 72.65.070)

13 II Computer Trespass 1 (RCW 9A.52.110)  
14 Counterfeiting (RCW 9.16.035(3))  
15 Create, deliver, or possess a counterfeit  
16 controlled substance (RCW  
17 69.50.401(b))  
18 Escape from Community Custody (RCW  
19 72.09.310)  
20 Health Care False Claims (RCW 48.80.030)  
21 Malicious Mischief 1 (RCW 9A.48.070)  
22 Possession of controlled substance that is  
23 either heroin or narcotics from  
24 Schedule I or II or flunitrazepam from  
25 Schedule IV (RCW 69.50.401(d))  
26 Possession of phencyclidine (PCP) (RCW  
27 69.50.401(d))  
28 Possession of Stolen Property 1 (RCW  
29 9A.56.150)  
30 Theft 1 (RCW 9A.56.030)  
31 Theft of Rental, Leased, or Lease-purchased  
32 Property (valued at one thousand five  
33 hundred dollars or more) (RCW  
34 9A.56.096(4))  
35 Trafficking in Insurance Claims (RCW  
36 48.30A.015)  
37 Unlawful Practice of Law (RCW 2.48.180)  
38 Unlicensed Practice of a Profession or  
39 Business (RCW 18.130.190(7))

1 I Attempting to Elude a Pursuing Police  
2 Vehicle (RCW 46.61.024)  
3 False Verification for Welfare (RCW  
4 74.08.055)  
5 Forged Prescription (RCW 69.41.020)  
6 Forged Prescription for a Controlled  
7 Substance (RCW 69.50.403)  
8 Forgery (RCW 9A.60.020)  
9 Malicious Mischief 2 (RCW 9A.48.080)  
10 Possess Controlled Substance that is a  
11 Narcotic from Schedule III, IV, or V  
12 or Non-narcotic from Schedule I-V  
13 (except phencyclidine or  
14 flunitrazepam) (RCW 69.50.401(d))  
15 Possession of Stolen Property 2 (RCW  
16 9A.56.160)  
17 Reckless Burning 1 (RCW 9A.48.040)  
18 Taking Motor Vehicle Without Permission  
19 (RCW 9A.56.070)  
20 Theft 2 (RCW 9A.56.040)  
21 Theft of Rental, Leased, or Lease-purchased  
22 Property (valued at two hundred fifty  
23 dollars or more but less than one  
24 thousand five hundred dollars) (RCW  
25 9A.56.096(4))  
26 Unlawful Issuance of Checks or Drafts (RCW  
27 9A.56.060)  
28 Unlawful Use of Food Stamps (RCW 9.91.140  
29 (2) and (3))  
30 Vehicle Prowl 1 (RCW 9A.52.095)

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